

REMARKS

Applicant has amended claims 4, 5, 21, 24-28. Claims 8-10 have been canceled. These changes have been made to place the claims in better form for examination and to further obviate the 35 U.S.C. §§102(b), 103(a), and 112 rejections as set forth in the Office Action dated May 9, 2005. It is believed that none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of these rejections is respectfully requested.

The Examiner has objected to claim 4 for the omission of "A" before "protoplasts produced from..." and the use of "protoplasts" because only a single invention can be claimed. Applicant has amended claim 4 as suggested by the Examiner. Withdrawal of this objection is respectfully requested.

The Examiner has objected to claim 5 for the phrase "...the tissue culture are from..." because it appears to unduly limit the invention to a first generation tissue culture. Applicant has amended claim 5 as suggested by the Examiner. Withdrawal of this objection is respectfully requested.

The Examiner has objected to claim 27 because "by a transgene" lacks antecedent basis. Applicant has amended claim 27. Withdrawal of this objection is respectfully requested.


The Examiner has rejected claims 8-10 and 24-28 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant has canceled claims 8-10 and amended claims 24-28. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8-10 and 24-28 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant has canceled claims 8-10 and amended claims 24-28. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8-10 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Wallace et. al. (Crop Sci.

42: 2216-2217, 2002). Applicant has canceled claims 8-10. Withdrawal of this rejection is respectfully requested.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §§102(b), 103(a), and 112. Reconsideration of this application and early notice of allowance is respectfully requested.

<i>SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED</i>					
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